

REMARKS

Initially, applicant expresses appreciation to the Examiner for the courtesies extended during the recent in person interview, conducted with applicant's representatives on July 10, 2008. The amendments and remarks made by this paper are consistent with the proposals and amendments presented during the interview and which generally distinguish the claimed invention from the cited art of record.

The Non-Final Office Action, mailed June 5, 2008, considered and rejected claims 1-20.¹ By this response, claims 1-2, 5, 9, 14-15 and 18-19 are amended, claims 2, 4, 8 15, 17 and 19 are cancelled and new claims 21-25 are added such that claims 1, 3, 5-7, 9-14, 16, 18 and 20-25 remain pending and of which claims 1, 14 and 18 are the only independent claims at issue. Support for the new amendments and the new claims is found throughout the specification, including, but not limited to the disclosure found in ¶[0019], ¶¶[0024]-[0025] and ¶ [0027].

As discussed during the interview, the present invention is generally directed to embodiments for a data acquisition device to transfer a new data object to a user storage device. Claim 1, for example, recites a method that includes detecting a new data object and determining a type of the new data object. Notably, it is the type of the new data object that is used to subsequently determine if the type of the new data object is configured for automatic transfer to an available user storage device. If the type of the new data object is configured for automatic transfer, the method includes establishing a communications session with an online connection service and communicating with the online connection service to obtain a list of available user storage devices associated with the data acquisition device and a network address for each device. The recited method also includes choosing at least one available user storage device to store the new data object, establishing a communication session with

¹ Claims 1-3, 9, 14-16 and 18-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Yukie et al (US Patent No.: 6,956,833, hereinafter Yukie). Claims 4, 10, 11, 13 and 17 were rejected under 35 U.S.C. §103(a) as being obvious in view of Yukie and further in view of Bucher (US Patent No.: 6,956,833, hereinafter Bucher). Claim 5 was rejected under 35 U.S.C. §103(a) as being obvious in view of Yukie and further in view of Snyder (US Patent No.: 5,564,109, hereinafter Snyder). Claim 12 was rejected under 35 U.S.C. §103(a) as being obvious in view of Yukie and further in view of Harrow et al (US Patent Publication No.: 2003/0009586, hereinafter Harrow). Claims 6-8 were rejected under 35 U.S.C. §103(a) as being obvious in view of Yukie and further in view of Domenikos (US Patent No.: 5,838,916, hereinafter Snyder).

the user storage device, and finally sending the new data object to the user storage device for storage therein.

The only other independent claims 14 and 18 recite embodiments corresponding directly to the method of claim 1, with claim 14 being directed to a corresponding computer readable medium having stored thereon a sequence of instructions for implementing a method similar to the method of claim 1 and claim 18 reciting a corresponding data acquisition device configured for implementing a method similar to the method recited in claim 1.

As noted above, claims 1-3, 9, 14-16 and 18-20 were rejected as being anticipated by Yukie. Claims 4, 10, 11, 13 and 17 were rejected as being obvious in view of the combination of Yukie and Bucher. Claim 5 was rejected as being obvious in view of the combination of Yukie and Snyder. Claim 12 was rejected as being obvious in view of the combination of Yukie and Harrow. Claims 6-18 were rejected as being obvious in view of the combination of Yukie and Domenikos. In view of the current amendments and cancellations, however, applicant respectfully submits that these references fail to teach or suggest each limitation of the claims for at least the following reasons, as well as those discussed during the interview.

Initially, it is noted that independent claims 1, 14, and 18 all recite embodiments for detecting a type of a new data object from a plurality of available data types and determining if the type of the new data object is of a type configured for automatic transfer to an available user storage device (see claims 1, 14 & 18 and ¶[0019] of the application as originally filed, for example). The cited art fails to disclose any such embodiment and particularly as recited in combination with the other recited claim elements.

Yukie is generally directed to embodiments in which a camera can automatically transfer a picture to a data server when a user presses a shutter button (see column 6, lines 55-64). However, Yukie clearly fails to teach or suggest any embodiment for detecting a data type of a data object to selectively determine whether the data object should be automatically transferred to a user storage device, as claimed. The disclosure of Bucher, Snyder, Harrow, and Domenikos also fail to compensate for the forgoing inadequacies of Yukie in at least this regard.² Accordingly, it is clear that

²The other cited art was only used in rejecting the dependent claims. Bucher was cited for the general teaching of systems using a plurality of user storage devices and Snyder was cited for teachings of ranking the plurality of user storage

the cited art fails to anticipate or render the claims obvious for at least failing to disclose or suggest embodiments for detecting a type of a new data object from a plurality of available data types and determining if the type of the new data object is of a type configured for automatic transfer to an available user storage device, as claimed, for example, in combination with the other recited claim limitations.

Attention is now directed to the online connection service recited in the independent claims. It is noted that the data acquisition device establishes a communication session with the online connection service to obtain a list of available user storage devices as well as a network address associated with each device. The data acquisition device then uses a network address to establish a new, separate, and distinct communication session with one of the user storage devices (see Figure 2 and ¶[0024] of the application as originally filed, for example). The cited art fails to teach or suggest any such embodiment, as discussed during the interview. For example, while Bucher teaches that a service can broker a segment of data between a remote device and an initiating computer, Bucher clearly fails teach or contemplate establishing a separate connection apart from the service. The other cited art also fails to compensate for the inadequacies of Bucher.

In view of the foregoing, as well as for the other reasons discussed during the interview, applicant respectfully submits that all the rejections to the independent claims are now moot and that the independent claims are now allowable over the cited art, such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.³ For example, it will be noted that many of the dependent claims even

devices. Harrow was cited for teachings of peer-to-peer connections. Domenikos was cited for teachings of receiving available protocol information for the user storage devices.

³ Instead, applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

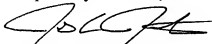
further distinguish the claimed invention from the cited art, including, but not limited to the embodiment recited in new claim 24, wherein establishing a communications session with the at least one available user storage device comprises a communications session which is separate and distinct from the communications session with the online connection service.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

The Commissioner is hereby authorized to charge payment of any fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178, including, but not limited to: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17.

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Respectfully submitted,



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